

## REMARKS

The Examiner is thanked for indicating that claims 9-12 and 14-16 are allowed and claims 3-5 are allowable if rewritten in independent form.

Claims 1, 4-12, and 14-26 remain pending in the instant application. Claims 1, 6-8, and 17-26 presently stand rejected. Claims 1, 4, and 17-26 are amended herein. Claim 3 is hereby cancelled without prejudice. Entry of this amendment and reconsideration of the pending claims are respectfully requested.

### *Claim Objections*

Claims 7, 15, and 25 have been amended to address the Examiner's concerns. The objection is claim 14 is now moot, since independent claim 9 has been amended to incorporate the elements of dependent claim 13 (now cancelled).

### *Claim Rejections – 35 U.S.C. § 112*

Claims 17-26 stand rejected under 35 U.S.C. § 112, first paragraph as failing to comply with the written description requirement and under 35 U.S.C. § 112, second paragraph, as being indefinite.

The preamble of independent claim 17 has been amended to recite, “machine-accessible medium that **stores** instructions that, if executed by a machine, will cause the machine to perform operation comprising...” Dependent claims 18-26 have been amended in accordance with independent claim 17.

Regarding the § 112, first paragraph rejection, Applicants note that the original as-filed claims recited “machine-accessible medium” and therefore this language is supported by the original specification, which includes the original claims. MPEP § 2163.06(III).

Regarding the § 112, second paragraph rejection, the “providing” language has been replaced with “storing” as suggested by the Examiner when stating, “a medium can have instructions stored on it...” Accordingly, Applicants submit that claims 17-26 are now definite.

### *Claim Rejections – 35 U.S.C. § 102*

Claims 1, 7, and 8 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Fedorkow et al. (US 7,230,917).

A claim is anticipated only if each and every element of the claim is found in a single reference. M.P.E.P. § 2131 (citing *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628 (Fed. Cir. 1987)). “The identical invention must be shown in as complete detail as is contained in the claim.” M.P.E.P. § 2131 (citing *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226 (Fed. Cir. 1989)).

Independent claim 1 has been amended to include subject matter of dependent claim 3 (now cancelled). Accordingly, claim 1 now includes allowable subject matter.

Consequently, Fedorkow fails to disclose each and every element of claim 1, as required under M.P.E.P. § 2131. Withdrawal of the instant §102 rejection of claim 1 is requested.

The dependent claims are novel over the prior art of record for at least the same reasons as discussed above in connection with their respective independent claims, in addition to adding further limitations of their own. Accordingly, Applicants respectfully request that the instant § 102 rejections of the dependent claims be withdrawn.

### *Claim Rejections – 35 U.S.C. § 103*

Claim 6 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Fedorkow et al. in view of Stiliadis et al. (US 6,134,217).

“To establish prima facie obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. All words in a claim must be considered in judging the patentability of that claim against the prior art.” M.P.E.P. § 2143.03.

Dependent claim 6 is nonobvious over the prior art of record for at least the same reasons as discussed above in connection with its independent claim, in addition to adding further limitations of its own. Accordingly, Applicants respectfully request that the instant § 103 rejection of the dependent claim 6 be withdrawn.

## **CONCLUSION**

In view of the foregoing amendments and remarks, it is believed that the applicable rejections have been overcome and all claims remaining in the application are presently in condition for allowance. Accordingly, favorable consideration and a Notice of Allowance are earnestly solicited. The Examiner is invited to telephone the undersigned representative at (206) 292-8600 if the Examiner believes that an interview might be useful for any reason.

## **CHARGE DEPOSIT ACCOUNT**

It is not believed that extensions of time are required beyond those that may otherwise be provided for in documents accompanying this paper. However, if additional extensions of time are necessary to prevent abandonment of this application, then such extensions of time are hereby petitioned under 37 C.F.R. § 1.136(a). Any fees required therefore are hereby authorized to be charged to Deposit Account No. 02-2666. Please credit any overpayment to the same deposit account.

Respectfully submitted,

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